

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

ASHLEY D. BLAIR

PLAINTIFF

v.

CIVIL ACTION NO. 2:23-cv-126-TBM-RPM

HATTIESBURG CLINIC

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the *sua sponte* submission of the Report and Recommendation [8] entered by United States Magistrate Judge Robert P. Myers on January 22, 2024. Judge Myers recommends dismissing Plaintiff's Complaint [1] for failure to state a claim for relief and for lack of subject-matter jurisdiction. Plaintiff has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired.¹

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x 879, 881 (5th Cir. 2010) ("When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Myers' Report and Recommendation, the Court finds it is neither clearly erroneous nor contrary to law.


¹ Instead of filing an objection to the Report and Recommendation, Plaintiff moved to "insert complaint for medical malpractice on grounds of 'Negligence[.]'". [9], p. 1. However, even if this were considered an attempt to amend her Complaint to add these new allegations, such an amendment would be futile since, as stated in the Report and Recommendation, the Court would still lack subject matter under 28 U.S.C. Section 1331 or 1332. [8], p. 2-3.

IT IS THEREFORE ORDERED AND ADJUDGED that Report and Recommendation [8] entered by United States Magistrate Judge Robert P. Myers on January 22, 2024, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff's Motion for Leave to File Medical Malpractice for Negligence [9] is DENIED.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff's claims are DISMISSED WITHOUT PREJUDICE.

THIS, the 16th day of April, 2024.


TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE